

COMMONWEALTH OF MASSACHUSETTS

DOCKET NO.

19-3242

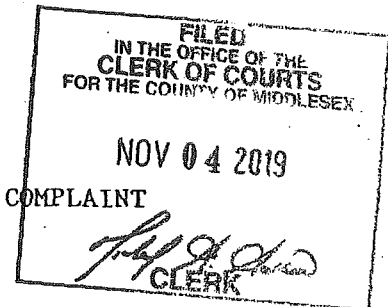
PLAINTIFF(S)

(PRINT NAME CLEARLY)

Wendy Harrington

VS.

COMPLAINT



DEFENDANT(S)

(PRINT NAME CLEARLY)

Deutsche Bank National Trust Co.
 as trustee" for securitized asset Backed receivables
 LLC trust 2007 HE1, mortgage pass-through certificates
 series 2007 HE1

PARTIES

1) Plaintiff(s) reside at 4 Mercier St Dorchester MA 01826
 Street City or Town

in the County of Middlesex

2) Defendant(s) reside at _____

in the County of _____

FACTS

3) Harrington seeks relief per MGL 244 sec 12
 "procedure after sale" and injunctive relief against
 the above named defendant. On 10-25-18 Harrington
 delivered personally to Lorde and associates a notice of
 indebtedness to Deutsche Bank and any claiming
 under them. Ex 1. Harrington did not execute the "note"
 that deutsche Bank is presenting and this nullifies the
 right to foreclose under 208 CMR 18:21 A(2)(c). At
 2:00 pm on 10-25-18 a Ron Weiner from Baystate Auction
 informed Harrington that an auction was to proceed.

WHEREFORE THE PLAINTIFF REQUESTS THIS HONORABLE COURT TO:

- A) Issue a Temporary Restraining Order restraining the defendant(s) from coming near plaintiffs residence at _____.
- B) Order the defendant(s) not to come near the plaintiffs place of employment located at _____ and/or school located at _____.
- C) Order the defendant(s) not to call the plaintiff(s) either at home or work.
- D) Order the defendant(s) not to have any personal contact, directly or indirectly, or through any other person, by mail or any other electronic means with the plaintiff(s).
- E) Order the defendant(s) to stay _____ yards away from the plaintiff(s) and/or any members of the plaintiff(s) family.

(OTHER)

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set by hand and affix the seal of said Superior Court this 15th Day November 2019
Karen A. O'Brien
Deputy Assistant Clerk

DATED: 11-4-18

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Leahdy
Signature of Plaintiff(s)

11-4-19

Wendy Harrington
J.V.

Deutsche Bank National Trust Co. as Trustee
for securitized asset backed receivables LLC trust 2007
HEF mortgage pass thru certificates series 2007 HEF

Harrington seeks relief per MAC
244 sec. 12 "procedure after sale" and
injunctive relief against the above
named defendant.

On 10-25-19, Harrington delivered
personally to Korde and Associates a
denial of indebtedness to Deutsche Bank
and any claiming under there. Ex. 1

Harrington did not execute the "note"
that Deutsche Bank is presenting and
this nullifies the document of right to
foreclose under 209 CMB 18:21 A (2)(c) ²

At 2:00 pm on 10-25-19 a Don Weiner
from Baystate Auction informed Harrington
that an auction was to proceed.

1 note: at 12:00 pm

2 right to foreclose letter
from Korde and Associates

At this time Harrington presented to Mr. Weiner a copy of the current Docket sheet of an active case in the Supreme Judicial Court, and informed Mr. Weiner that Harrington intended to charge with trespass under MGL 266 43A criminal trespass.

Mr. Weiner then stated that "anything that was to be done could be undone."

Harrington then called Dorset Police at 2:18pm then at 2:45 Mr. Weiner also called the police.

Harrington then informed all present of active case number 12791 in the Supreme Judicial Court. Ex 2

Harrington seeks relief per MGL 244 sec. 12 to set aside the sale and to permanently enjoin Deutsche Bank or any claiming under them from any action on her property.

I so Swear,

Wendy Harrington

978-660-3795

4 Mercier St.

Dorset, MA 01826

10-24-19

Attention Korde and Associates,

Attorney Christopher James,

Please be advised that neither you, your client nor others associated with you should trespass on Harrington or her home on 4 Mercier St. Dorset, Ma. 01826

Please also be advised that Harrington has no relationship with Deutsche Bank or any claiming thereunder, as Harrington did not secure the "note" that you are presenting.

Please be advised that if you, your associates are caught trespassing, then Harrington fully intends and will charge you and your client, and associates with Aggravated Criminal Harassment under MGL 265 sec. 43A.

Yours Truly,

Wendy Harrington
4 Mercier St. Dorset, Ma 01826

Supreme Judicial Court and Appeals Court of Massachusetts



Public Case Information

Case Search

- Involved Party
- Docket Number
- Attorney Appearance
- Lower Court
- Lower Court Judge

Court Calendars

- SJC Full Court
- SJC Single Justice
- AC Full Court
- AC Single Justice

More Information

- Contact Us
- Comments
- Helpful Links

[Bottom >](#)

**SUPREME JUDICIAL COURT
for the Commonwealth
Case Docket**

WENDY HARRINGTON vs. DEUTSCHE BANK NATIONAL TRUST CO.
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID
SJC-12791

CASE HEADER

Case Status	Ready (blue brf only)	Status Date	08/27/2019
Nature	Nature to be determined	Entry Date	08/07/2019
Appellant	Defendant	Case Type	Civil
Brief Status	Awaiting red brief	Brief Due	09/23/2019
Quorum			
Argued Date		Decision Date	
AC/SJ Number	<u>SJ-2018-0592</u>	Citation	
DAR/FAR Number		Lower Ct Number	SJ-2018-0592
Lower Court	SJC for Suffolk County	Lower Ct Judge	Garry V. Inge, J.
Route to SJC	Direct Entry: Appeal from Single Justice Order/Judgment		

INVOLVED PARTY

Wendy Harrington
Pro Se Petitioner/Appellant
Blue brief filed

Deutsche Bank National Trust Co.
Respondent/Appellee
Awaiting red brief
Due 09/23/2019

Middlesex Superior Court
Nominal Party
Awaiting red brief
Due 09/23/2019

ATTORNEY APPEARANCE

Eric Benjamin Hogberg, Esquire
Withdrawn

Daniel P. Sullivan, Esquire

DOCKET ENTRIES

Entry Date	Paper	Entry Text
08/07/2019	#1	Entered.
08/07/2019	#2	(IMPOUNDED) Affidavit of indigency of Wendy Harrington. (ALLOWED forthwith. See SJ-2018-592)
08/22/2019	#3	MOTION to accept filing of a non-conforming brief, filed for Wendy Harrington by Wendy Harrington, Pro Se Petitioner/Appellant, Pro Se. ALLOWED.
08/22/2019	#4	SERVICE of brief (non-conforming) for Petitioner/Appellant Wendy Harrington by Wendy Harrington, Pro Se Petitioner/Appellant.
08/27/2019	#5	Withdrawal of appearance of Eric Benjamin Hogberg, Esquire for Deutsche Bank National Trust Co..
08/29/2019	#6	LETTER from Middlesex Superior Court requesting to be treated as a nominal party.

[≤ Top](#)

As of 10/23/2019 20:00



KORDE & ASSOCIATES, P.C.
ATTORNEYS AT LAW

SERVING CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, & RHODE ISLAND

October 4, 2019

Wendy M. Harrington a/k/a Wendy M. Clarke
4 Mercier Street
Dracut, MA 01826

VIA FIRST CLASS MAIL &
CERTIFIED MAIL NO.

9489 0090 0027 6167 1509 98

RE: Deutsche Bank National Trust Company, as Trustee for Securitized Asset Backed Receivables LLC
Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 vs. Wendy M. Harrington
a/k/a Wendy M. Clarke
Land Court Case No. 17 SM 008331
Property Address: 4 Mercier Street, Dracut, MA 01826
K&A No. 15-019982

Dear Sir/Madam:

You are hereby notified of the intention of Deutsche Bank National Trust Company, as Trustee for Securitized Asset Backed Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 to foreclose by sale under the power of sale contained in a certain mortgage given by Wendy M. Harrington to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for WMC Mortgage Corp.. Enclosed you will find a copy of the Mortgagee's Sale of Real Estate which sets forth the date and time of the foreclosure sale.

The notice is provided to you because an examination of the record title shows you held an interest of record in the property thirty (30) days prior to the sale. Also enclosed is a copy of the Certification of Right to Foreclose pursuant to 209 C.M.R. 18.21A(2)(c)

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

If you (1) did not execute the Promissory Note relating to this mortgage; (2) are in bankruptcy; or (3) have been discharged in bankruptcy, this letter is for informational purposes only and is not intended as an attempt to collect a debt or an act to collect, assess or recover all or any portion of the debt from you personally.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Kor', is written over a horizontal line.
Korde & Associates, P.C.



KORDE & ASSOCIATES, P.C.
ATTORNEYS AT LAW

SERVING CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, & RHODE ISLAND

October 4 2019

DEFICIENCY NOTICE

Wendy M. Harrington a/k/a Wendy M. Clarke
4 Mercier Street
Dracut, MA 01826

VIA FIRST CLASS MAIL &
CERTIFIED MAIL NO.

RE: Property: 4 Mercier Street, Dracut, MA 01826
K&A No. 15-019982
Mortgage Held By: Deutsche Bank National Trust Company, as Trustee for Securitized Asset Backed
Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1
Mortgage Given To: Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for WMC
Mortgage Corp.
Date of Mortgage: August 31, 2006
Original Principal Amount of Mortgage: \$215,000.00
Mortgage recorded in Middlesex County (Northern District) Registry of Deeds in Book 20476, Page 222
(the "Mortgage")

Dear Sir/Madam:

You are hereby notified in accordance with the statutes of the Commonwealth of Massachusetts of our intention on October 25, 2019 at 3:00 PM to foreclose by sale under power of sale for breach of conditions, and by entry, the above captioned Mortgage given to secure a note for the above stated original principal amount for the whole or part of which you may be liable to the above named holder of the Mortgage in the event of a deficiency in the proceeds of the foreclosure sale.

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

If you (1) did not execute the Promissory Note relating to this Mortgage; (2) are in bankruptcy; or (3) have been discharged in bankruptcy, this letter is for informational purposes only and is not intended as an attempt to collect a debt or an act to collect, assess or recover all or any portion of the debt from you personally.

Sincerely,

A handwritten signature in black ink, appearing to be 'Korde & Associates, P.C.', written over a horizontal line.

Korde & Associates, P.C.

CIVIL ACTION COVER SHEET

DOCKET NUMBER

19-3242

Trial Court of Massachusetts
The Superior Court

PLAINTIFF(S):

Wendy Harrington

ADDRESS:

4 Mercier St

Dorchester, MA 01876

COUNTY

ATTORNEY:

ADDRESS:

DEFENDANT(S):

Deutsche Bank national

Trust CO. 2007 HEI mortgage pass

thru certificates 2007 HEI

ADDRESS:

Deutsche Bank national trust

CO. as trustee for securitized asset backed

receivables LLC trust 2007 HEI mortgage

passthrough certificates series 2007 HEI

BBO:

CODE NO.

003

TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)

TYPE OF ACTION (specify)

BET cot injunction

TRACK

F

HAS A JURY CLAIM BEEN MADE?

☐ YES☐ NO

*If "Other" please describe:

Is there a claim under G.L. c. 93A?

☒ YES☐ NO

Is this a class action under Mass. R. Civ. P. 23?

☐ YES☐ NO

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses	\$
2. Total doctor expenses	\$
3. Total chiropractic expenses	\$
4. Total physical therapy expenses	\$
5. Total other expenses (describe below)	\$
Subtotal (A):	\$

B. Documented lost wages and compensation to date	\$
C. Documented property damages to date	\$
D. Reasonably anticipated future medical and hospital expenses	\$
E. Reasonably anticipated lost wages	\$
F. Other documented items of damages (describe below)	\$

NOV 04 2019

CLERK

MIDDLESEX, SS. Commonwealth of Massachusetts

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set by hand and affix the seal of said Superior Court this 15th November 2019

TOTAL (A-F): \$

CONTRACT CLAIMS

This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement, Mass. R. Civ. P. 8.1(a). Provide a detailed description of claim(s):

TOTAL: \$

Signature of Attorney/ Unrepresented Plaintiff: X

Wendy Harrington

Date: 11-4-19

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

CERTIFICATION PURSUANT TO SJC RULE 1:18

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.

Signature of Attorney of Record: X

WSG

Date: 11-4-19

CIVIL ACTION COVER SHEET INSTRUCTIONS

SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE

AC Actions Involving the State/Municipality *

- AA1 Contract Action Involving Commonwealth, Municipality, MBTA, etc. (A)
 AB1 Tortious Action Involving Commonwealth, Municipality, MBTA, etc. (A)
 AC1 Real Property Action Involving Commonwealth, Municipality, MBTA etc. (A)
 AD1 Equity Action Involving Commonwealth, Municipality, MBTA, etc. (A)
 AE1 Administrative Action Involving Commonwealth, Municipality, MBTA, etc. (A)

CN Contract/Business Cases

- A01 Services, Labor, and Materials (F)
 A02 Goods Sold and Delivered (F)
 A03 Commercial Paper (F)
 A04 Employment Contract (F)
 A05 Consumer Revolving Credit - M.R.C.P. 8.1 (F)
 A06 Insurance Contract (F)
 A08 Sale or Lease of Real Estate (F)
 A12 Construction Dispute (A)
 A14 Interpleader (F)
 BA1 Governance, Conduct, Internal Affairs of Entities (A)
 BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)
 BB1 Shareholder Derivative (A)
 BB2 Securities Transactions (A)
 BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)
 BD1 Intellectual Property (A)
 BD2 Proprietary Information or Trade Secrets (A)
 BG1 Financial Institutions/Funds (A)
 BH1 Violation of Antitrust or Trade Regulation Laws (A)
 A99 Other Contract/Business Action - Specify (F)

* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

† Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

ER Equitable Remedies

- D01 Specific Performance of a Contract (A)
 D02 Reach and Apply (F)
 D03 Injunction (F)
 D04 Reform/ Cancel Instrument (F)
 D05 Equitable Replevin (F)
 D06 Contribution or Indemnification (F)
 D07 Imposition of a Trust (A)
 D08 Minority Shareholder's Suit (A)
 D09 Interference in Contractual Relationship (F)
 D10 Accounting (A)
 D11 Enforcement of Restrictive Covenant (F)
 D12 Dissolution of a Partnership (F)
 D13 Declaratory Judgment, G.L. c.231A (A)
 D14 Dissolution of a Corporation (F)
 D99 Other Equity Action (F)

PA Civil Actions Involving Incarcerated Party †

- PA1 Contract Action Involving an Incarcerated Party (A)
 PB1 Tortious Action Involving an Incarcerated Party (A)
 PC1 Real Property Action Involving an Incarcerated Party (F)
 PD1 Equity Action Involving an Incarcerated Party (F)
 PE1 Administrative Action Involving an Incarcerated Party (F)

TR Torts

- B03 Motor Vehicle Negligence - Personal Injury/Property Damage (F)
 B04 Other Negligence - Personal Injury/Property Damage (F)
 B05 Products Liability (A)
 B06 Malpractice - Medical (A)
 B07 Malpractice - Other (A)
 B08 Wrongful Death - Non-medical (A)
 B15 Defamation (A)
 B19 Asbestos (A)
 B20 Personal Injury - Slip & Fall (F)
 B21 Environmental (F)
 B22 Employment Discrimination (F)
 BE1 Fraud, Business Torts, etc. (A)
 B99 Other Tortious Action (F)

RP Summary Process (Real Property)

- S01 Summary Process - Residential (X)
 S02 Summary Process - Commercial/Non-residential (F)

RP Real Property

- C01 Land Taking (F)
 C02 Zoning Appeal, G.L. c. 40A (F)
 C03 Dispute Concerning Title (F)
 C04 Foreclosure of a Mortgage (X)
 C05 Condominium Lien & Charges (X)
 C99 Other Real Property Action (F)

MC Miscellaneous Civil Actions

- E18 Foreign Discovery Proceeding (X)
 E97 Prisoner Habeas Corpus (X)
 E22 Lottery Assignment, G.L. c. 10 §28 (X)

AB Abuse/Harassment Prevention

- E15 Abuse Prevention Petition, G.L. c. 209A (X)
 E21 Protection from Harassment, G.L. c. 258E(X)

AA Administrative Civil Actions

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)
 E03 Certiorari Action, G.L. c.249 §4 (X)
 E05 Confirmation of Arbitration Awards (X)
 E06 Mass Antitrust Act, G. L. c. 93 §9 (A)
 E07 Mass Antitrust Act, G. L. c. 93 §8 (X)
 E08 Appointment of a Receiver (X)
 E09 Construction Surety Bond, G.L. c. 149 §§29, 29A (A)
 E10 Summary Process Appeal (X)
 E11 Worker's Compensation (X)
 E16 Auto Surcharge Appeal (X)
 E17 Civil Rights Act, G.L. c.12 §11H (A)
 E24 Appeal from District Court Commitment, G.L. c.123 §9(b) (X)
 E25 Pleural Registry (Asbestos cases) (F)
 E95 Forfeiture, G.L. c.94C §47 (F)
 E99 Other Administrative Action (X)
 Z01 Medical Malpractice - Tribunal only, G.L. c. 231 §60B (F)
 Z02 Appeal Bond Denial (X)

SO Sex Offender Review

- E12 SDP Commitment, G.L. c. 123A §12 (X)
 E14 SDP Petition, G.L. c. 123A §9(b) (X)

RC Restricted Civil Actions

- E19 Sex Offender Registry, G.L. c.6 §178M (X)
 E27 Minor Seeking Consent, G.L. c.112 §12S (X)

TRANSFER YOUR SELECTION TO THE FACE SHEET

EXAMPLE:


CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	<u>F</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

DUTY OF THE PLAINTIFF - The plaintiff shall set forth, on the face of the civil action cover sheet (or attach additional sheets as necessary), a statement specifying the facts on which the plaintiff relies to determine money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served with the complaint. A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or self-represented litigant.

DUTY OF THE DEFENDANT - If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with his/her answer a statement specifying the potential damages which may result if the plaintiff prevails.

A CIVIL COVER SHEET MUST BE FILED WITH EACH COMPLAINT.
FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
MAY RESULT IN DISMISSAL OF THIS ACTION.

SUMMONS AND ORDER OF NOTICE	DOCKET NUMBER 1981CV03242	Trial Court of Massachusetts The Superior Court 
CASE NAME: Harrington, Wendy vs. Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust		Michael A. Sullivan, Clerk of Court Middlesex County
To: Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mor 4		COURT NAME & ADDRESS Middlesex Superior - Lowell 360 Gorham Street Lowell, MA 01852

To the above named defendant(s):

You are hereby summoned and required to serve upon:

**Wendy Harrington
4 Mercier Street
Dracut, MA 01826**

an answer to the complaint which is herewith served upon you. This must be done within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Lowell either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application for a Preliminary Injunction has been made in said action, as it appears in the complaint. A hearing on this matter has been scheduled for:


Date: 11/12/2019

Time: 02:00 PM

Event: Hearing on Preliminary Injunction

Session Location: Civil L1 /

at which time you may appear and show cause why such application should not be granted.

DATE ISSUED 11/04/2019	CHIEF JUSTICE OF THE SUPERIOR COURT Witness: Hon. Judith Fabricant	ASSOCIATE JUSTICE Hon. Karen Green	ASSISTANT CLERK X 
----------------------------------	---	--	---

RETURN OF SERVICE

I hereby certify and return that on **15th Day of November 2019** I served a copy of this summons, together with a copy of the Complaint, on **Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust**

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT


In testimony that the foregoing is a true copy on file
and made by me

by hand and affix the seal of said Superior Court

(this **15th Day of November 2019**
Loren O'Connor
Deputy Assistant Clerk

PARTY NAME:

X

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 1981CV03242	Trial Court of Massachusetts The Superior Court	
CASE NAME: Harrington, Wendy vs. Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, TO: Mortgage Pass-Through Certificates Series 2007-HEI File Copy		Michael A. Sullivan, Clerk of Court Middlesex County	
		COURT NAME & ADDRESS Middlesex Superior - Lowell 360 Gorham Street Lowell, MA 01852	

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		02/03/2020	
Response to the complaint filed (also see MRCP 12)		03/03/2020	
All motions under MRCP 12, 19, and 20	03/03/2020	04/02/2020	05/04/2020
All motions under MRCP 15	03/03/2020	04/02/2020	05/04/2020
All discovery requests and depositions served and non-expert depositions completed	08/31/2020		
All motions under MRCP 56	09/29/2020	10/29/2020	
Final pre-trial conference held and/or firm trial date set			02/26/2021
Case shall be resolved and judgment shall issue by			11/03/2021

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED 11/04/2019	ASSISTANT CLERK Brian F Burke	PHONE
----------------------------------	---	-------

CRTR2709-CR



COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Public Docket Report

1981CV03242 Harrington, Wendy vs. Deutsche Bank National Trust Company as Trustee for the
Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mortgage Pass-Through Certificates Series
2007-HEI

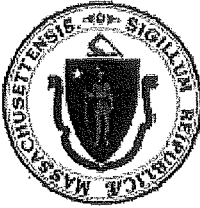
CASE TYPE:	Equitable Remedies	FILE DATE:	11/04/2019
ACTION CODE:	D03	CASE TRACK:	F - Fast Track
DESCRIPTION:	Injunction		
CASE DISPOSITION DATE	11/15/2019	CASE STATUS:	Closed
CASE DISPOSITION:	Transferred to another Court	STATUS DATE:	11/15/2019
CASE JUDGE:		CASE SESSION:	Civil L1

DCM TRACK

Tickler Description	Due Date	Completion Date
Service	02/03/2020	11/15/2019
Rule 15 Served By	03/03/2020	11/15/2019
Rule 12/19/20 Served By	03/03/2020	11/15/2019
Answer	03/03/2020	11/15/2019
Rule 12/19/20 Filed By	04/02/2020	11/15/2019
Rule 15 Filed By	04/02/2020	11/15/2019
Rule 15 Heard By	05/04/2020	11/15/2019
Rule 12/19/20 Heard By	05/04/2020	11/15/2019
Discovery	08/31/2020	11/15/2019
Rule 56 Served By	09/29/2020	11/15/2019
Rule 56 Filed By	10/29/2020	11/15/2019
Final Pre-Trial Conference	02/26/2021	11/15/2019
Judgment	11/03/2021	11/15/2019

PARTIES

Plaintiff Harrington, Wendy 4 Mercier Street Dracut, MA 01826	Attorney Pro Se Massachusetts Bar Added Date: 11/04/2019	PROPER
Defendant Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mortgage Pass-Through Certificates Series 2007-HEI	Attorney Hale Y Lake Hinshaw & Culbertson LLP Hinshaw & Culbertson LLP 53 State St 27th Floor Boston, MA 02109 Work Phone (617) 213-7000 Added Date: 11/15/2019	679480



COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Public Docket Report

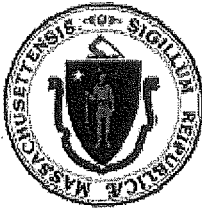
EVENTS

Date	Session	Event	Result	Resulting Judge
11/12/2019	Civil L1	Hearing on Preliminary Injunction	Not Held	Barrett

FINANCIAL SUMMARY

	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
Total		280.00	0.00	0.00	280.00

CRTR2709-CR

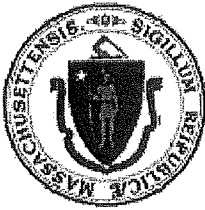


COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Public Docket Report

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
11/04/2019		Attorney appearance On this date Pro Se added for Plaintiff Wendy Harrington	
11/04/2019		Case assigned to: DCM Track F - Fast Track was added on 11/04/2019	
11/04/2019	1	Original civil complaint filed.	
11/04/2019	2	Civil action cover sheet filed.	
11/04/2019	3	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit ALLOWED, waived in full. (Green, J.). (IMPOUNDED)	
11/04/2019	4	Summons and order of notice issued on a Complaint for a Preliminary Injunction, returnable on 11/12/2019 02:00 PM Hearing on Preliminary Injunction. Applies To: Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mortgage Pass-Through Certificates Series 2007-HEI (Defendant)	Green
11/12/2019		Event Result:: Hearing on Preliminary Injunction scheduled on: 11/12/2019 02:00 PM Has been: Not Held For the following reason: Transferred to another session- Court received notice of removal to the Federal Court Hon. C. William Barrett, Presiding Staff: Brian F Burke, Assistant Clerk Magistrate Amanda Rowan, Assistant Clerk Magistrate	Barrett
11/15/2019		REMOVED to the U.S. District Court By The Defendant Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mortgage Pass-Through Certificates Series 2007-HEI Attorney Haley Yazieloght Lake HINSHAW & CULBERTSON LLP 55 State Street, 27th Floor Boston, MA 02109 sent on 11/15/19	
11/15/2019		Case transferred to another court.	
11/15/2019		Attorney appearance On this date Hale Y Lake, Esq. added for Defendant Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HEI, Mortgage Pass-Through Certificates Series 2007-HEI	

CRTR2709-CR



COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Public Docket Report

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I herewith
set by hand and affix the seal of said Superior Court
this

15 Day of November 2019
Karen A. O'Connor
Deputy Assistant Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENDY HARRINGTON,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
SECURITIZED ASSET BACKED
RECEIVABLES LLC TRUST 2007-HE1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE1,

Defendant.

I hereby certify on 11/12/19 that the foregoing document is true and correct copy of the

- ☐ electronic docket in the captioned case
☒ electronically filed original filed on 11/12/19
☐ original filed in my office on _____

Robert M. Farrell
Clerk, U.S. District Court
District of Massachusetts

By: [Signature]
Deputy Clerk

CIVIL ACTION NO.: 19-12320

*Removed from Massachusetts Superior
Court, Middlesex County
Civil Action No. 1981CV03242*



NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant Deutsche Bank National Trust Company, as Trustee for Securitized Asset Backed Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 ("Deutsche Bank as Trustee") hereby removes to this Court the above-captioned action from the Massachusetts Superior Court, Middlesex County, based upon the following supporting grounds:

1. On or about November 4, 2019, plaintiff Wendy Harrington ("Plaintiff") commenced an action in the Massachusetts Superior Court, Middlesex County, under Civil Action Number 1981CV03242 by filing a Complaint seeking relief under M.G.L. c. 244, § 12 concerning a recent foreclosure sale and injunctive relief against Deutsche Bank as Trustee concerning the property located at 4 Mercier Street, Dracut, Massachusetts 01826 ("Property"). A copy of Plaintiff's Complaint is attached hereto as **Exhibit A**.

2. Pursuant to 28 U.S.C. § 1446(b), removal of the action to this Court from Massachusetts Superior Court is timely as it is filed within thirty (30) days of Deutsche Bank as

Trustee receiving notice of the Plaintiff's complaint as it was served with a Summons and Order of Notice on November 8, 2019. *See* Exhibit A.

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the dispute is between citizens of different States and the matter in controversy exceeds the sum or value of \$75,000.00. *See* 28 U.S.C. § 1332(a)(1). Sufficient grounds exist for removal of the action to this Court from the Massachusetts Superior Court.

A. **This Court has Diversity Jurisdiction Over this Action**

4. The United States District Court for the District of Massachusetts has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) on the basis of diversity of citizenship and amount in controversy.

(i) **There is Diversity of Citizenship Between Plaintiff and Deutsche Bank as Trustee**

5. There is complete diversity of citizenship under 28 U.S.C. § 1332(a) between Plaintiff and Deutsche Bank as Trustee. According to her Complaint, Plaintiff is an individual residing at 4 Mercier Street, Dracut, Massachusetts. *See* Exhibit A ¶ 1. Plaintiff is, therefore, a citizen of Massachusetts.

6. Defendant Deutsche Bank as Trustee is a national banking association with its main office as designated in its Articles of Association in Los Angeles, California. Deutsche Bank as Trustee is, therefore, a citizen of the state of California for the purposes of determining diversity jurisdiction. *See* 28 U.S.C. §§ 1332(c) & 1348; *Wachovia Bank v. Schmidt*, 546 U.S. 303, 318 (2006) (stating that a national bank is a citizen of the State designated in its articles of association as its main office).

7. Therefore, diversity of citizenship is established as between Plaintiff (a citizen of Massachusetts) and Deutsche Bank as Trustee (a citizen of California).

(ii) The Amount in Controversy Exceeds \$75,000

8. This Court also has diversity jurisdiction over this action as the amount in controversy exceeds \$75,000.00. In her Complaint, Plaintiff seeks relief per M.G.L. c. 244, § 12 for “procedure after sale” in response to the recent foreclosure sale of the Property. *See* Exhibit A.

9. Plaintiff’s Complaint seeks to void the foreclosure based on the alleged invalidity of the note she signed and the mortgage she granted in favor of Mortgage Electronic Registration Systems, Inc. (“MERS”) as mortgagee and nominee for WMC Mortgage Corp., recorded with the Middlesex North Registry of Deeds in Book 20476, Page 222 (“Mortgage”) as security for the note. *See* Exhibit A ¶ 3. The Mortgage was in the original principal amount of \$215,000.00 and encumbered the Property. A true and accurate copy of the Mortgage is attached as Exhibit B.

10. For diversity jurisdiction purposes, the loan amount can establish the amount in controversy where the claims raised challenge a foreclosure. *See McKenna v. Wells Fargo Bank, N.A.*, 693 F.3d 207, 211-12 (1st Cir. 2012) (holding that loan amount constitutes amount in controversy in cases where complaint seeks to invalidate a loan secured by mortgage or enjoin foreclosure); *McLarnon v. Deutsche Bank National Trust Company*, C.A. 15-11799-FDS, 2015 WL 4207127, 2015 U.S. Dist. LEXIS 89840 at *8 (D. Mass. July 10, 2015) (holding that amount in controversy can be determined by the face value of the loan in question); *Larace v. Wells Fargo Bank, N.A.*, 972 F. Supp. 2d. 147, 151 (D. Mass. 2013) (“[I]t is reasonable to designate the amount in controversy as the value of the mortgage, since Plaintiffs’ petition does not specify a damage amount and Defendants’ mortgage interest would be extinguished if Plaintiffs were ultimately successful.”).

11. In addition, the value of the Property itself exceeds \$75,000.00. According to the records of the Town of Dracut, the assessed value of the Property is \$261,100.00. *See* Exhibit C,

a true and accurate copy of the property information obtained from the Town of Dracut on November 11, 2019, from a search at <http://gis.vgsi.com/dracutma/>. See *Morse v. Residential Credit Solutions, Inc.*, CIV.A. 11-12275-RWZ, 2012 WL 458492, 2012 U.S. Dist. LEXIS 17324, at *2 (D. Mass. Feb. 13, 2013) (“In cases that seek equitable relief against foreclosure sales, the fair market value of the property to be foreclosed upon is an acceptable measure of the amount in controversy for purposes of diversity jurisdiction.”). The amount in controversy, therefore, exceeds \$75,000.00, exclusive of interest and costs.

12. Accordingly, this Court has jurisdiction over this action based upon diversity of citizenship and the amount in controversy pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

B. Removal of the Action to This Court is Proper

13. 28 U.S.C. § 1446(b) provides that “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading” 28 U.S.C. § 1446(b). The action was commenced in the Massachusetts Superior Court, Middlesex County, on November 4, 2019. Deutsche Bank as Trustee was served via constable on November 8, 2019. See Exhibit B. Removal of this action from the Massachusetts Superior Court is timely as this notice is being filed within thirty (30) days of receipt of notice of the Complaint.

14. Additionally, venue properly lies in the District of Massachusetts because the Plaintiff’s claims arise out of the Mortgage encumbering the Property located in Dracut, Massachusetts, and Plaintiff commenced this action initially in Massachusetts Superior Court, Middlesex County.

15. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal will be given to Plaintiff following the filing of this Notice of Removal.

16. Certified or attested copies of all records and proceedings before the Massachusetts Superior Court will be filed with this Court within 28 days in accordance with LR 81.1.

17. In submitting this Notice of Removal, Deutsche Bank as Trustee reserves all defenses.

WHEREFORE, defendant Deutsche Bank National Trust Company, as Trustee for Securitized Asset Backed Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1, hereby removes this action from Massachusetts Superior Court, Middlesex County, to the United States District Court for the District of Massachusetts.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
SECURITIZED ASSET BACKED
RECEIVABLES LLC TRUST 2007-HE1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE1,

By: Its Attorneys

/s/ Hale Yazicioglu Lake

Maura K. McKelvey, BBO #600760
Hale Yazicioglu Lake, BBO #679480
HINSHAW & CULBERTSON LLP
53 State Street, 27th Floor
Boston, MA 02109
Phone: 617-213-7000
Fax: 617-213-7001
e-mail: mmckelvey@hinshawlaw.com
hlake@hinshawlaw.com

Dated: November 12, 2019

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set by hand and affix the seal of said Superior Court
this 15th November 2019

Sarah A. O'Connor
Deputy Assistant Clerk

CERTIFICATE OF SERVICE

I, Hale Yazicioglu Lake, hereby certify that on this 12th day of November 2019, I served a true and accurate copy of the foregoing document to the following party by overnight mail as follows:

Wendy Harrington
4 Mercier Street
Dracut, MA 01826

/s/ Hale Yazicioglu Lake
Hale Yazicioglu Lake

COMMONWEALTH OF MASSACHUSETTS

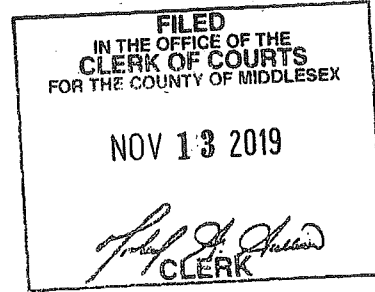
MIDDLESEX, SS:

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 1981CV03242

WENDY HARRINGTON,
Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
SECURITIZED ASSET BACKED RECEIVABLES
LLC TRUST 2007-HE1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE1,
Defendant.



NOTICE OF FILING OF REMOVAL

TO: Middlesex County Superior Court
Civil Clerk's Office
360 Gorham Street
Lowell, MA 01852

Wendy Harrington, Pro Se
4 Mercier Street
Dracut, MA 01826

Pursuant to 28 U.S.C. § 1446, Defendant, Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 ("Defendant"), in the above-captioned matter hereby provides notice that on November 12, 2019, Defendant filed a Notice of Removal of this action from the Superior Court of the Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts. The Notice of Removal is attached hereto.

Respectfully submitted,

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
SECURITIZED ASSET BACKED
RECEIVABLES LLC TRUST 2007-HE1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE1

By: Its Attorneys

Hale Yazicioglu Lake
Hale Yazicioglu Lake, BBO #679480
HINSHAW & CULBERTSON LLP
53 State Street, 27th Floor
Boston, MA 02109
Tel: 617-213-7000/Fax: 617-213-7001
e-mail: hlake@hinshawlaw.com

Dated: November 12, 2019

CERTIFICATE OF SERVICE

I, Hale Yazicioglu Lake, hereby certify that on this 12th day of November 2019, I served a true and accurate copy of the foregoing document to counsel of record by UPS Overnight as follows:

Wendy Harrington, Pro Se
4 Mercier Street
Dracut, MA 01826

MIDDLESEX, SS.

Commonwealth of Massachusetts
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set by hand and affix the seal of said Superior Court
this 15th of November 2019

Kevin A. O'Connor
Deputy Assistant Clerk

Hale Yazicioglu Lake
Hale Yazicioglu Lake

COMMONWEALTH OF MASSACHUSETTS

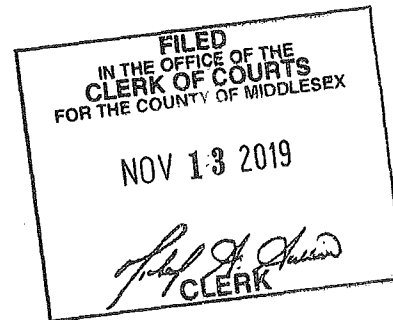
MIDDLESEX, SS:

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 1981CV03242

WENDY HARRINGTON,
Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
SECURITIZED ASSET BACKED RECEIVABLES
LLC TRUST 2007-HE1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE1,
Defendant.



NOTICE OF APPEARANCE

Please enter the appearance of Hale Yazicioglu Lake as counsel of record for the Defendant, Deutsche Bank National Trust Company as Trustee for the Securitized Asset Backed Receivables LLC Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1, in regard to the above-captioned matter.

Respectfully submitted,

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
SECURITIZED ASSET BACKED
RECEIVABLES LLC TRUST 2007-HE1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE1,

By: Its Attorneys


Hale Yazicioglu Lake, BBO #679480
HINSHAW & CULBERTSON LLP
53 State Street, 27th Floor
Boston, MA 02109
Tel: 617-213-7000/Fax: 617-213-7001
e-mail: hlake@hinshawlaw.com

Dated: November 12, 2019

CERTIFICATE OF SERVICE

I, Hale Yazicioglu Lake, hereby certify that on this 12th day of November 2019, I served a true and accurate copy of the foregoing document to counsel of record by UPS Overnight as follows:

Wendy Harrington, Pro Se
4 Mercier Street
Dracut, MA 01826

Hale Yazicioglu Lake
Hale Yazicioglu Lake

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set by hand and affix the seal of said Superior Court
this 15th of November 2019

Juan A. Ocasio
Deputy Assistant Clerk